

FILED

IN THE EIGHTEENTH JUDICIAL DISTRICT APP DOCKET NO. _____
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT

CLERK OF DISTRICT COURT
18TH JUDICIAL DISTRICT
SEDGWICK COUNTY, KANSAS

BY _____

THE STATE OF KANSAS,
Plaintiff,

v.

DANIEL A BETANCOURT,
Respondent.

Case No. 10 CR 1803

STATE'S MOTION TO REVOKE DEFENDANT'S PROBATION

NOW ON THIS 1st day August, 2011, the State respectfully requests this Court to issue a warrant for defendant's arrest and set a hearing to revoke the defendant's probation for the following reasons:

1. On December 17, 2010, defendant was placed on probation for Aggravated Battery. His probation conditions

- Obey the laws of the United States, the State of Kansas, and any other jurisdiction to whose laws he/she may be subject
- Report to Community Corrections (I.S.O.) as directed.
- Remain within the area of the State of Kansas unless permission to leave is first obtained from the Court.
- Notify the I.S.O. within 24 hours of changes in employment, residence, and phone number, or of any contact with law enforcement.
- Alcohol/drug evaluation at direction of I.S.O. (follow recommendations).
- No possession or consumption of alcohol or drugs without a legal prescription from a physician.
- Submit to random breath, blood, urinalysis testing at request of I.S.O. at defendant's own expense.
- Gain and maintain employment.
- No contact with victim or co-defendant.
- Curfew Restriction: as directed by I.S.O.
- Obey all rules, regulations, and requirements of Community Corrections.
- Maintain residence in Sedgwick County.

Community Corrections contract with additional conditions to be provided.

2. On April 22, 2011, Wichita Police Department Officers conducted a curfew check at 9:50 pm. No one answered the door. See WPD # 11C026294.
3. On July 23, 2011, Wichita Police Department Officers conducted a curfew check at 9:50 pm. No one answered the door. Neighbors advised that defendant left the house at 9:30 pm. See WPD # 11C050731.
4. On July 23, 2011, Wichita Police Department Officers conducted a curfew check at 11:52 pm. Defendant was not at the residence. See WPD #11C050731.
5. On July 29, 2011, at 9:00 pm, defendant committed the crime of Criminal Threat/Stalking/Assault/Victim Witness Intimidation at 2412 N Jackson (the home of the 13 year old boy Miguel Andrade that his 2 brothers Eli and Alejandro Betancourt and his NSG homie Edward Laurel killed by shooting him 10 times through the front door) when he drove by the home, stopped, pointed at Miguel's mother. Ms

Martinez was in fear for her family's safety – she knew from court that the homicide was in retaliation for a fight that Daniel Betancourt was in and the brothers/homie shot the wrong person.

6. On July 29, 2011, after his 9:00 pm curfew, defendant was stopped by Wichita Department Police in the area of 100 N Brunswick

7. Between April and July, 2011, defendant posted the following on his facebook:

April: Alejandro Betancourt jury trial week of April 11, 2011

Eli Betancourt jury trial week of April 25, 2011

- a. " I swear patton, ima bout to snap" (co-defendant on Homicide, testified in the State's case against both Betancourts and Laurel, as part of his plea agreement)
- b. "Even though I heard good news bout nina coming home I'm happy, but I wish I had my bros home too!...alex, elie, I made a promise and ill keep it."
- c. "HEY BROS IM SORRY I STILL THINKS ITS MY FAULT BUT IM GOT UR BACKS ALL THE WAY TIL I DIE, THAT'S HOW WE ALWAYS BEEN AND ALWAYS WILL....GONNA BE PRAYING FOR U BROS....LOVE YA"LL"
- d. Posted a photo of Gregory Patton (co-defendant on Homicide) "April 14, 2011 is the day this fool SNITCHED my bros out."
- e. "MAN SOMEONE TEXT ME AND CALM ME DOWN FOR REALS I JUST WATH THE NEWS AND HEARD THAT DAMN RAT POINT OUT MY HOMIE SNOOP AND SNITCH MY BIG BRO OUT."
- f. "All sgd's, if u follow sleepy u a rat just like him...who snitches on they og like that!"
- g. "watch the news that damn rat hella snitched on tv, I dnt care anyone who follows that fool gonna get beat up now, quickster, nightmare I dnt care"

July: Edward Laurel jury trial week of July 11, 2011

- h. "Black ops tonight I guess, [REDACTED] hate curfew fml oh well."
- i. "[REDACTED] I swear ima kill someone soon, to much [REDACTED] all at once and today started out good."
- j. "damn I need to fight soon, I haven't smashed anyone face in lately...is that a bad thinkg."
- k. "Today I just wish I could tie patton to a rope and hang him in that big [REDACTED] tree in my front yard and hit him with a baseball bat, the dumb birch said he trying to help my bros, yeah [REDACTED] right!"
- . "Just wanna make patton bite the curb so I can kick his [REDACTED] teeth in!"
- .l. "My big bro Alex, love u bro sorry 4 everything...the miate gonna get put in da dirt that coward."
- m. "GONNA HAVE TO SEE THIS [REDACTED] SNITCH FOR THE 3RD TIME ON THE HOMIE, [REDACTED] THE PROSECUTOR U AINT GETTING A [REDACTED] WORD OUT ME BUT A BIG.....[REDACTED] YOOOOOOOOOOOU?"
- .n. "Wow I guess call me og Diablo from now on the founder, kinda true but [REDACTED] they make it sould like a episode of gangland!"

- o. "wow, my bro alex a VATO LOCO BOY..yeah the [REDACTED] he right he don't even bang, got court in the morning hope I can hold back and not tell trinity muth [REDACTED] YOUUUUUUUUUUUUUUUUUUUUU!"
 - p. "My oh my court today, [REDACTED] prosecutor can suck a fat one and I hope his wife gets [REDACTED], ill try and keep my compsure and not snap in da courtroom."
 - q. "Two hours til they put me on da stand, like I said trinity muth [REDACTED] u!"
8. Defendant had contact with Edward Laurel in the Sedgwick County Jail and his brothers Eli and Alejandro Betancourt in the Sedgwick County Jail. All charged with murder and gang members.

For the above stated reasons, the State requests this Court to grant its motion to issue a warrant and revoke the defendant's probation.

Respectfully Submitted
Sedgwick County, District Attorney



C.J. Rigg (#16421)
Deputy District Attorney